Maritime Security: Malaysia's Persistent Problem

In an address to senior naval officers at the 2009 International Maritime Seminar, Admiral Gary Roughead, Chief of Naval Operations, described Southeast Asia as "a critical maritime region for commerce, for communication and for resources."[1] While maritime security in Southeast Asia has been a long-standing issue, it has garnered significant attention in the last decade and a heightened awareness of the vulnerabilities of this region has emerged. The United States, China, and Japan, among other nations dependent upon these waters for international trade and commerce, have come to regard the Straits of Malacca as a region of "instability, lurking threats, and ineffective law enforcement."[2] As one of the three coastal states economically dependent upon maritime trade, one of the most critical challenges facing Malaysia is maintaining effective maritime security in this region. Unilateral and multilateral security measures taken in recent years by Malaysia appear to have neutralized the maritime threats in this region; however vulnerabilities remain due to geographic challenges, sovereignty concerns, and territorial disputes.

Bordered by Thailand, Indonesia, Singapore, and Brunei, and situated along one of the most strategically significant waterways in the world -- the Straits of Malacca--Malaysia's geography is dominated by its two coastlines totally 4,675 kilometers.[3] Eighty percent of Malaysia's trade passes through these straits and nearly every major port and industrial center is located along it.[4] This waterway is an economic artery not only for Malaysia, but the rest of the world as well. More than 70,000 vessels carrying one third of the world's commerce and half of its energy needs transit the narrow corridor each year, with estimates that this figure will double in the next ten years.[5] Forced by geographic constraints to transit the most congested waterway in the world at slow speeds, hundreds of vessels making their way through this "Dark Passage"[6]

on a daily basis are exposed and vulnerable. Given these facts, it is not difficult to understand

why the Malacca Straits have continued to be an attractive target for maritime pirates and

terrorists.

The International Maritime Bureau (IMB) reports that the territorial and offshore waters

in the Malacca Straits and South China Sea remain at high risk for piracy and armed robbery

against ships. The following are IMB warnings currently in effect:

> **Malacca Straits:** Although the number of attacks has dropped due to the increase and aggressive patrols by the littoral states authorities since July 2005, ships are advised to continue maintaining a strict anti piracy watch when transiting the straits. Currently, there are no indications as to how long these patrols will continue or reduce.

> **Malaysia:** Off Tioman / Pulau Aur / South China Sea. Vessels are advised to remain vigilant. Pirates in this area are often armed with guns and knives and attack vessels during the hour of darkness. A number of tugs / barges were also hijacked in the area.

> **Singapore Straits:** Vessels are advised to continue maintaining adequate anti piracy watch and measures despite the reduction in attacks. Many tug boats were reported attacked recently.[7]

Merchant vessels are best served by taking notice of these warnings and taking proper

security precautions --maritime attacks have proven costly. According to IMB estimates,

maritime piracy costs transport vessels between $13 and $15 billion a year in losses in the waters

between the Pacific and Indian Ocean alone.[8] Recent trends show the energy vessels should be

particularly vigilant. Attacks on energy vessels have risen significantly as a percentage of

overall piracy attacks, increasing from 12 per cent in 2006 to 24 per cent in 2007.[9] Moreover,

there have been several notable cases of energy vessels being targeted for hijacking and

kidnapping. In August 2003, *Penrider*, a Malaysian fuel tanker, was boarded by pirates near

Indonesia's Aceh province; ransom in the amount of $100,000 was demanded in exchanged for

release of the ship and its crew.[10] Just last month, *Nautica Johor Bahru*, a Malaysian registered

tanker carrying oil and gas worth $4.6 million, was hijacked in the South China Sea.[11]

Traditionally viewed as a purely domestic issue by Malaysia, the events of 11 September

2001 cast the piracy threat and its implications in a darker light. Piracy has become regarded as

a viable means for terrorist organizations to exploit security vulnerabilities in the maritime

domain to raise funds and move weapons and personnel. While the existence of a nexus

between piracy and maritime terrorism is debatable, there is enough of a connection between

these activities to raise concern. There has been evidence of Islamist terrorists maintaining

routes in the Celebes Sea to move operatives, explosives and firearms between Indonesia,

Malaysia, and the Philippines, as well as conducting maritime attacks.[12] Two radical groups

implicated are the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf. The latter

received global recognition in 2000-2001 when it kidnapped dozens of tourists from the resorts

and ships in and around the Celebes and Sulu Seas.[13] One of Abu Sayyaf's most notable attacks,

however, was the 2004 bombing of the *SuperFerry 14* off the coast of the Philippines; 116 lives

were claimed in this attack.[14] Other terrorist groups such as Jemaah Islamiya, the Kumpulan

Militan Malaysia, and al-Qaeda have also been suspected of planning and executing maritime

attacks throughout Southeast Asia.

In December 2001 Singapore officials took into custody thirteen members of Jemaah

Islamiyah (JI), a radical organization with connections to al-Qaeda. According to a White Paper

published by the Singapore government, the captured JI operatives were planning to use high-

speed boats packed with explosives to conduct suicide attacks against visiting U.S. naval

vessels.[15] In his book, *Piracy, Maritime Terrorism and Securing the Malacca Straits,* Ong-

Webb reveals that a terrorist group in Malaysia planned attacks on visiting U.S. naval ships in

2001.[16] International maritime security expert Catherine Raymond cites additional planned

maritime attacks in her research, describing a 2001 plan by the Kumpulan Mujahidin Malaysia to

ambush a visiting U.S. vessel; this plot was disrupted by the Malaysian Special Branch.[17]

Acknowledging the maritime security vulnerabilities in both the Malacca Straits and the Sulu

and Celebes Seas, Malaysia has moved to increase its capacity to police and maintain security in

these waters.

In the last decade, Malaysia has taken several individual measures in its fight again

maritime terrorism and piracy, most notable of which is the creation of the Malaysia Maritime

Enforcement Agency (MMEA) as a centralized agency for ensuring maritime security. The

MMEA was established, in part, as a response to Lloyd's of London adding the Malacca Strait to

its "war list" for maritime insurance in 2005.[18] The MMEA brings together Malaysia's Royal

Maritime Police, Fisheries Department, Immigrations and the Customs and Marine Departments

under a single umbrella, synergizing maritime security efforts in achieving the following

objectives:

> To ensure Malaysian Maritime Zone is safe and peaceful to maritime
> communities.
>
> To minimize loss of lives and properties at sea based on a set standard.
>
> To establish an effective and efficient search and rescue cooperation in the region.
>
> To establish a conductive working environment that facilitates cooperation
> between the international maritime communities and Malaysian Maritime
> Enforcement Agency[19]

Malaysia has also recognized the need for cooperative security measures with the other

littoral states in order to effectively combat maritime threats, as evidenced by its participation in

MALSINDO. This cooperative security organization is the only "indigenous multilateral

military arrangement that is ongoing, involving the coast guards, navies, and air forces of the

littoral states."[20] In his keynote address at the 2011 Shangri-La Dialogue, Prime Minister Dato'

Sri Najib Tun Razak remarked, "if transportation links are the lifeblood of international trade, South East Asia has become its beating heart and we have a collective responsibility to ensure businesses can operate here in safety and security."[21] Unfortunately, ongoing disputes over territorial claims and sovereignty rights have undercut these efforts.

The Malacca Straits fall within the territorial boundaries of the regional coastal states. Therefore, in accordance with international law, the task of guarding and policing the strait belongs to Singapore, Malaysia, and Indonesia. Outside nations have the right of "transit passage" through the waterway, but they are not permitted to take any action that impinges upon the sovereignty or territorial integrity of these states.[22] Simply put, foreign powers cannot use their own forces to combat the maritime threats in the Malacca Straits unless they have the explicit permission of these states. Comments made by then Malaysian Deputy Prime Minister and Minister of Defense Razak at the 2005 Shangri-La Conference articulate Malaysia's long-held position on this issue:

> Let me reiterate Malaysia's position that any form of preventive measures and operational arrangements to secure the safety of the Malacca Straits must not impinge on the territorial integrity and national sovereignty of the littoral states. Safeguarding the Straits is a primary responsibility of the littoral states.[23]

Malaysia has placed primacy on maintaining its sovereignty and refused assistance from external states in the patrolling of these waters. It has, however, been open to capacity building efforts. In 2006 Malaysia accepted $16.3 million worth of new equipment from the United States and participated in training exercises with the U.S. Navy and Coast Guard.[24] Malaysia has also accepted financial assistance from Japan. A 2009 grant from Tokyo's private Malacca Strait Council to the MMEA funded the installation of laser cameras and direction finders in the Malacca Straits, enhancing maritime traffic safety and assisting in the detection of criminal activity in the Malacca Straits.[25] These improvements, along with increased coordination

among the littoral states, have been credited with the reduction of maritime attacks in the Malacca Straits in recent years. Unfortunately, some of this success has been overshadowed by persistent bilateral tensions over territorial waters.

The lack of a recognized and accepted economic exclusion zone boundary between Indonesia and Malaysia has been the source of tension and numerous disputes between the two nations. In August 2010, the Indonesian government filed a letter of protest with the Malaysian Embassy in Jakarta, claiming that Malaysia had trespassed into Indonesian territory and violated its sovereignty following the arrest of three Indonesian fishery officials by Malaysian maritime police in disputed waters.[26] More recently, Malaysia has protested Indonesia's detention of two Malaysian fishing boats.[27] Both of these incidents are a reflection of the complexities inherent in maritime security in Southeast Asia. Cooperation among littoral states has improved, but been difficult and highly problematic at times. The littoral states seem to agree on one thing though: the importance of maritime security.

Maritime attacks have decreased in the Malacca Straits since Malaysia, Indonesia, and Singapore have introduced joint patrols and enhanced their security capabilities: however, concerns linger over the safety of the hundreds of ships that transit the waterway daily. Some have postulated that a terrorist group might utilize a merchant vessel as a weapon delivery vehicle for a nuclear bomb or other weapon of mass destruction. Malaysia's Inspector General of Police, Musa Hassan, commented that "The use of a ship as a weapon in the manner of the [11 September 2001] attacks is a troubling scenario. It would mean rerouting the vessels, which would lead to the skyrocketing of freight and insurance rates, and which will lead to a devastating global economic impact."[28] Malaysia need only look to Yemen for proof of the long-lasting economic devastation that can be caused by a single terrorist attack.

In October 2002, al-Qaeda attacked a French-flagged oil tanker off the coast of Yemen, exposing the vulnerability of shipping lanes to the rest of the world. The attack involved an explosive-laden dinghy ramming into the side of the *Limburg* and detonating, blowing a hole in the side and spilling 90,000 barrels of oil into the Gulf of Aden.[29] Yemen's Interior Minister, Rashad al-Alimi, described the attack as "a deliberate act of terror carried out by an explosive-laden boat."[30] While there was a human toll, it was the economic cost that had the most significant impact.[31] Insurance underwriters instituted a three-fold increase in insurance premiums on ships coming into Yemini ports, forcing vessels to seek alternate ports. A fact sheet released by the U.S. State Department in November 2002 reported that these increased fees were responsible for a 50 percent reduction in port activity, costing Yemen nearly $4 million per month in lost port revenues.[32] One can only imagine the economic impact such an attack in the Malacca Straits would have.

It has been argued recently that "Dark Passage" is a misnomer for the Malacca Straits.[33] Statistics show that less than one percent of all terrorist attacks in the last decade have involved maritime targets, with Southeast Asia in particular seeing a marked decline in maritime attacks. [34] While it is clear that progress has been made, maritime security remains a persistent concern. As recently as 2004, Southeast Asia was home to more than 40 percent of all reported maritime attacks, and just last year the Republic of Singapore Navy issued a warning of a terrorist threat targeting tankers transiting the Malacca Straits. Additionally, the annual Piracy and Armed Robbery Report released by IMB in April identified the adjacent waters of the South China Sea as an emerging area of concern, with reported incidents nearly doubling from 77 in 2009 to 134 in 2010.[35] As noted by Inspector General Musa Hassan, maritime terrorism, among other security threats, continues to be a "threat which is real and possible,"[36] lurking not only in the

Straits of Malacca, but the surrounding waters as well. Malaysia will need to take proactive

measures to increase domestic and partnership capacities with the other littoral states in order to

effectively counter this threat and protect its economic interests and sovereignty in the future.

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